

Remarks/Arguments:

The pending claims are 1, 3-17. Claim 2 has been canceled without prejudice or disclaimer of the subject matter thereof. Claims 1, 12, and 15 have been amended. Claims 16-17 have been added. No new matter is introduced therein.

In paragraphs 1 and 2 of the Office Action, claims 1-4 and 6-14 have been rejected on the ground of nonstatutory obviousness-type double patenting as unpatentable over claims 1-4, 7-13 of U.S. Patent No. 6,712,207. In view of the terminal disclaimer concurrently filed with this Response, applicants request that the double patenting rejection be withdrawn.

In paragraphs 4 and 5 of the Office Action, claims 1 and 12 have been rejected under 35 U.S.C. § 112, first paragraph and under 35 U.S.C. § 112, second paragraph. The Office Action states that the specification does not describe converging wall portions in the lid aperture or the adapter aperture positioned to contact a release mechanism of a needle holder to expand an opening defined in the needle holder to release the needle portion from the needle holder. Applicants respectfully disagree. The claim language is supported at least by page 2, lines 12-22 and page 5, lines 23-24 of the specification. If the Examiner seeks additional clarification regarding this issue, applicants invite the Examiner to contact applicants' undersigned representative. Otherwise, applicants respectfully request that this rejection be withdrawn.

Claim 15 has been alternatively rejected in paragraph 7 of the Office Action under 35 U.S.C. § 102(b) as anticipated by Thead (U.S. Patent No. 6,158,314), in paragraph 8 of the Office Action as anticipated by Segstetter (U.S. Patent No. 5,092,462), and in paragraph 9 of the Office Action as anticipated by Pepper (U.S. Patent No. 4,488,643). Claim 15 has amended to recite:

wherein said lid includes two or more depressions adjacent said lid aperture, and said adapter includes a detent configured to extend into one of said depressions to facilitate said engagement between said adapter and said lid aperture.

These features are not shown in any of the references.

With respect to Thead, paragraph 7 of the Office Action contends that element 26 is an adapter configured for engagement in an aperture of lid 58. Element 26 is a severing means (col. 4, line 67) that includes a severing mechanism 36 for severing a portion of syringe barrel 14 (col. 5, lines 26-28) and an actuating mechanism 38 for imparting a force on the severing mechanism. (col. 5, lines 29-30). Rotation of the actuating mechanism 38 rotates severing mechanism 36 between first and second positions to sever the syringe barrel (col. 5, lines 31-40). Thead does not disclose two or more depressions adjacent a lid aperture (see in Figs. 2b,

3b, 5) nor does it disclose a detent that is configured to extend into a depression to facilitate engagement between severing means 26 and a lid aperture. Accordingly, amended claim 15 is not subject to rejection under 35 U.S.C. § 102(b) as anticipated by Thead.

With respect to Segstetter, paragraph 8 of the Office Action states that element 230 (shown only in Fig. 13) is an adapter that is configured for engagement in a lid aperture. Segstetter does not have depressions and a detent to facilitate engagement between its module 230 and lid 250. Accordingly, amended claim 15 is not subject to rejection under 35 U.S.C. § 102(b) as anticipated by Segstetter.

With respect to Pepper, paragraph 9 of the Office Action refers to valve 56 as an adapter that is configured for engagement in an aperture 52 of lid 14. Although lid 14 has an annular groove 61 and valve 56 has an annular rim 62 that fits in the groove, Pepper does not have two or more depressions adjacent the lid aperture and an adapter having a detent extending into one of the depressions. In addition, neither the lid aperture nor the aperture formed by flaps 72 of valve 56 are "for rotation and release of the needle portion from the needle holder" as recited in amended claim 15. Instead, the only purpose of the lid aperture 52 is to hold valve 56 (col. 6, lines 47-49) and the only purpose of flaps 72 of valve 56 is to allow a syringe and/or needle to pass through valve 56 and lid 14 and into container 10. (col. 7, lines 38-42). Accordingly, amended claim 15 is not subject to rejection under 35 U.S.C. § 102(b) as anticipated by Pepper.

Claim 1 has been alternatively rejected in paragraph 8 of the Office Action under 35 U.S.C. § 102(b) as anticipated by Segstetter; in paragraph 11 of the Office Action under 35 U.S.C. § 103(a) as unpatentable over Thead in view of Official Notice; in paragraph 12 of the Office Action under 35 U.S.C. § 103(a) as unpatentable over Segstetter; and in paragraph 13 of the Office Action under 35 U.S.C. § 103(a) as unpatentable over Pepper. In paragraph 13 of the Office Action, dependent claim 2 has been rejected under 35 U.S.C. § 103(a) as unpatentable over Pepper. Claim 2 has only been rejected substantively based upon Pepper. Applicants respectfully disagree with the rejection of claim 2. Claim 1 has therefore been amended to include the features of claim 2 and claim 2 has been canceled.

Claim 1, as amended, therefore recites, in part:

an adapter configured for engagement in said lid aperture and to resist rotation of said adapter with respect to said lid.

As discussed above, Pepper discloses a valve 56 disposed inside lid aperture 52. There is no disclosure that these two elements resist rotation of valve 56 with respect to the lid. To the

contrary, since they are both annular in nature, edge 65 is able to rotate within annular groove 61. Since claim 1 was not rejected based upon Pepper, and since the features of claim 2 have now been added to claim 1, applicants respectfully submit that amended claim 1 is no longer subject to rejection under 35 U.S.C. § 102(b) as anticipated either by Segstetter; or under 35 U.S.C. § 103(a) as unpatentable over Thead in view of Official Notice; or under 35 U.S.C. § 103(a) as unpatentable over Segstetter or as unpatentable over Pepper since none of the references nor the Official Notice discloses or suggests all of the features recited in amended claim 1, alone or in any combination.

In paragraph 11 of the Office Action, dependent claims 3-5, 9-10 have been rejected under 35 U.S.C. § 103(a) as unpatentable over Thead in view of Official Notice. In paragraph 12 of the Office Action, claims 3-5 have been rejected under 35 U.S.C. § 103(a) as unpatentable over Sagstetter. In paragraph 13, claims 3-6, 9-11 have been rejected under 35 U.S.C. § 103(a) as unpatentable over Pepper. Claims 3-6, 9-11 depend from amended claim 1. Since amended claim 1 is no longer subject to rejection over these references, these claims are also not subject to those rejections.

Claims 12-14 have been alternatively rejected in paragraph 8 of the Office Action under 35 U.S.C. § 102(b) as anticipated by Segstetter; in paragraph 11 of the Office Action under 35 U.S.C. § 103(a) as unpatentable over Thead in view of Official Notice; and in paragraph 13 of the Office Action under 35 U.S.C. § 103(a) as unpatentable over Pepper. Claim 12 has been amended to recite:

means for resisting rotation of said adapting means relative to said containing means.

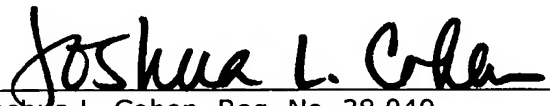
Claims 13-14 depend from amended claim 12. For the reasons along the lines set forth above regarding the rejections of amended claim 1, amended claims 12-14 are also not subject to rejection.

Applicants acknowledge with thanks the Examiner's indication in paragraph 14 of the Office Action that claims 7-8 would be allowable if the double patenting rejection were overcome and if claims 7-8 were rewritten to overcome the rejections under 35 U.S.C. § 112 and to include all of the limitations of the base claim and any intervening claims. The double patenting and § 112 rejections have been overcome. Nevertheless, claims 7-8 have not been rewritten at this time because applicants contend that amended claim 1 is now in condition for allowance.

Applicants have also submitted new claims 16-17. New claim 16 incorporates the features of claim 1 before it was amended and further includes the features of claim 6 and allowable claim 7. New claim 17 incorporates the features of allowable claim 8. In view of the Examiner's indication that claims 7-8 would be allowable, it is submitted that claims 16-17 are in condition for allowance.

For all of the above reasons, applicants submit that claims 1, 3-17 are now in condition for allowance, which action is respectfully requested.

Respectfully submitted,



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Encls.: Terminal Disclaimer
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